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ACTION IO-13

INFO OCT-01 EUR-25 L-03 SS-15 NSC-10 OIC-04 GAC-01 ACDA-19
CIAE-00 DODE-00 PM-09 INR-10 NSAE-00 NASA-04 RSC-01
SCI-06 EB-11 AF-10 ARA-11 EA-11 NEA-10 RSR-01 /175 W

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY 068365 DATE 9/26/07
RDS ☐ or XGDS ☐ EXT. DATE
TS AUTH. REASONS
ENDORSE DECLASSIFY IN PART ☐
DECLASSIFIED ✓ RELEASABLE ✓
RELEASE DENIED ☐
PA or FOI EXEMPTIONS

P R 080057Z APR 73
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC PRIORITY 7496
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L USUN 1360

E.O. 11652: GDS
TAGS: TSPA, PFOR, UN, UR
SUBJECT: OUTER SPACE LEGAL: MOON TREATY - MAJOR UNRESOLVED ISSUES.

REF: A. USUN 1338 B. STATE 068135

1. IN STATEMENTS ON RECORD AT APRIL 13 AM SESSION OF LEGAL SUBCOMMITTEE FRANCE, ITALY AND ARGENTINA MADE SEMI-CONCERTED EFFORT TO ESCAPE IMPASSE ON NATURAL RESOURCES ISSUE PRODUCED BY OPPOSING VIEWS CONCERNING PRE-INTERNATIONAL REGIME MORATORIUM ON EXPLOITATION (REF A).

2. ITALY SAID THAT WITH APRIL 12 CONSIDERATION OF NATURAL RESOURCES ISSUE, LSC HAD "REACHED A LANDMARK IN ITS WORK." ACKNOWLEDGING AMBIGUITY ON MORATORIUM QUESTION IN ITALIAN RESOURCES ARTICLE, ITALIAN REP (CAPOTORTI) SAID LSC MUST CHOOSE BETWEEN THAT DRAFT AND CLEARER TEXT WHICH REMOVES AMBIGUITY. HE THEN TABLED FOLLOWING PROPOSAL FOR NEW CONCLUDING SENTENCE IN ARTICLE X (2): QTE "THE FOREGOING PROVISIONS ARE WITHOUT PREJUDICE TO THE INTERNATIONAL REGIME REFERRED TO IN PARAGRAPH 4 OF THIS ARTICLE, AS WELL AS TO A TEMPORARY AND LIMITED EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON BY INDIVIDUAL STATES, PENDING THE ESTABLISHMENT OF SUCH A REGIME." END QTE. CAPUTORTI ARGUED THAT THIS PROVISION WOULD REMOVE ANY QUESTION OF MORATORIUM WHILE SAFEGUARDING

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THE INTERNATIONAL REGIME. COMMENT: WOULD APPRECIATE WASHINGTON COMMENTS SOONEST ON ABOVE (WITH RETENTION OF REFERENCE TO "NATURAL RESOURCES" IN SAME PARA). NEXT CONSIDERATION OF MOON TREATY ISSUE COULD BE MONDAY APRIL 16.

3. FRANCE AND ARGENTINA FOCUSSED ON NEED NOT TO INHIBIT USE OF LUNAR SUBSTANCES FOR SCIENTIFIC PURPOSES. FRANCE NOTED THAT WITHIN SCIENCE CONTEXT SPACE POWERS THUS FAR HAVE DEALT WITH LUNAR MATERIALS IN INTERESTS OF ALL, AND ADDED THAT THESE INTERESTS WOULD BE BEST SERVED BY ALLOWING SCIENTIFIC RESEARCH TO CONTINUE UNIMPEDED. NEVERTHELESS, ACCORDING TO FRENCH REP, THAT RESEARCH SHOULD NOT BE ALLOWED TO LEAD TO PRIVILEGED POSITION FOR SPACE POWER RESPECTING NATURAL RESOURCES OF MOON.

4. ARGENTINA SPOKE ALONG SIMILAR LINES, DECLARING THAT IT DID NOT SEEK EVEN INDIRECT MORATORIUM ON ACTIVITIES OF SPACE POWERS IN INVESTIGATION AND USE OF NATURAL RESOURCES. ON CONTRARY, ACCORDING ARGENTINE REP, NEW TREATY MUST STRESS FREEDOM OF EXPLORATION AND USE. HE SUGGESTED ADDING PROVISION IN ART X (2) ALONG THESE LINES: "THESE PROVISIONS ARE WITHOUT PREJUDICE TO THE EXPERIMENTAL EXPLOITATION OF SUCH RESOURCES SO AS TO DETERMINE THE EXPEDIENCY OF CONVENING THE CONFERENCE CONTEMPLATED IN PARAGRAPH 6 OF THIS ARTICLE." THUS FAR THIS LANGUAGE NOT TABLED, BUT WASHINGTON COMMENTS WOULD BE WELCOME.

5. SWEDEN SUBMITTED REDRAFT OF ART X (7): QTE "ALL ACTIVITIES ON THE MOON WITH RESPECT TO ITS NATURAL RESOURCES SHALL BE CARRIED OUT IN A MANNER COMPATIBLE WITH THE PURPOSES OF THE INTERNATIONA REGIME TO BE ESTABLISHED, AS SPECIFIED IN PARAGRAPH 5 OF THIS ARTICLE." END QTE. WE BELIEVE THIS REVISION, WHICH TRANSFORMS PREVIOUS VERSION INTO AFFIRMATIVE STATEMENT, IS MILD IMPROVEMENT OVER EARLIER SWEDISH TEXT.

6. SOVDELOFF APPROACHED USDEL OFF ON ADVANCE NOTIFICATION QUESTION SUGGESTING THAT GENERAL MISSION NOTIFICATION PURSUANT TO ARTICLE IV (3) BE MADE "AS SOON AS POSSIBLE", AND ENVIRONMENTAL NOTIFICATION PER ARTICLE VI (2) "WHENEVER POSSIBLE IN ADVANCE OF EACH LAUNCHING." SOVDELOFF SAID THESE FORMULATIONS WENT AS FAR AS USSR COULD GO. ACCEPTANCE OF ADVANCE NOTIFICATION, HE SAID, WOULD REQUIRE REVISION OF

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APPROACH OF ENTIRE SOVIET SPACE PROGRAM. USDELOFF REPLIED NONCOMMITTALLY THAT WE WOULD OF COURSE CONSIDER NEW FORMULATIONS BUT DID NOT WANT TO ADDRESS NOTIFICATION PROBLEM BEFORE NATURAL RESOURCES ISSUE RESOLVED. SOVDELOFF, APPARENTLY ALLUDING TO ITALIAN PROPOSAL PARA 2 ABOVE, INDICATED HOPE THIS WOULD SOON HAPPEN.
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